



CITY OF SOMERVILLE, MASSACHUSETTS
LAW DEPARTMENT

September 10, 2013

VIA FIRST CLASS MAIL

Eileen Feldman
Muckrock News
Dept MR 6344
PO Box 55819
Boston, MA 02205-5819

Re: Massachusetts Public Records Request

Dear Ms. Feldman:

This letter supplements this office's prior response and estimate to your public records request submitted to City Solicitor Frank Wright by e-mail dated July 23, 2013. Enclosed is one (1) CD-ROM disc containing the responsive records to your request.

The CD-ROM includes the requested fifty (50) e-mails, plus two (2) attachment files to e-mails. E-mails have been redacted in accordance with the Massachusetts public records law. No e-mails have been withheld. The remaining e-mail attachments which you specifically requested have been withheld on the basis of one or more exemptions to the Massachusetts public records law. Where the name of an attachment file has been redacted in an e-mail record, the city has withheld the attachment file.

The basis for withholding or redacting the responsive records arises from one or more of the following exemptions in the Massachusetts Public Records Law, G.L. c. 4, s. 7(26):

Exemption (b) applies to those records that are: related solely to internal personnel rules and practices of the government unit, provided however, that such records shall be withheld only to the extent that proper performance of necessary governmental functions requires such withholding;

Exemption (c), the privacy exemption, applies to personnel and medical files or information; also any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy;

Exemption (d) provides an executive privilege for policy development. It applies to: inter-agency or intra-agency memoranda or letters relating to policy positions being developed by the agency;

Exemption (e) allows the withholding of: notebooks and other materials prepared by a public employee which are personal to him or her and not maintained as part of the files of the governmental unit;

Exemption (o) applies to: the home address and home telephone number of an employee of the city of Somerville. Accordingly, home address and home telephone numbers of records identifying a person as a public employee have been redacted; and

Records constituting confidential communications between public officials and the city's law department have been withheld or redacted pursuant to the attorney-client privilege. Suffolk Constr. Co. v. Div. of Capital Asset Mgmt., 449 Mass. 444, 449-50 (2007).

This transmittal completes the City of Somerville's response to your request.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jason D. Grossfield', with a stylized flourish at the end.

Jason D. Grossfield
Assistant City Solicitor

Enclosure (CD-ROM)